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BEFORE THE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

10

11 In the Matter of the Accusation)
Against:)

No. D-2902

12

MILTON E. DENMARK, M.D.)
13 990 E. Santa Clara)
San Jose, California)

STIPULATION
AND ORDER

14

Certificate No. A-10898)

15

Respondent.)

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IT IS HEREBY STIPULATED AND AGREED by and between
the parties to the above-entitled matter as follows:

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1. An action of Petition to Revoke Probation is
presently pending against Respondent Milton E. Denmark, M.D.
(hereinafter "Respondent") in the above matter.

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2. Respondent acknowledges and understands that
he may, but need not, be represented by counsel in any or
all stages of these proceedings.

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3. Respondent has, with respect to this Stipulation
consulted with his attorney, W. Robert Morgan, Esq.

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1 4. The parties waive their rights to hearing as
2 provided by the California Administrative Procedure Act.

3 5. The matter will, without further proceedings,
4 be submitted to the Division of Medical Quality for a deci-
5 sion based upon this stipulation.

6 6. Official notice may be taken of Paragraphs I
7 and II of the Petition to Revoke Probation.

8 7. Respondent admits that he is presently on a
9 priorly-imposed probation and that during the time of imposed
10 probation he violated terms and conditions thereof as more
11 specifically alleged in Paragraph V of the Petition to Revoke
12 Probation, with such violations including failure to main-
13 tain a course of psychiatric treatment, failure to cause the
14 submission of progress reports from the treating psychiatrist
15 as required and requested, failure to state truthfully under
16 penalty of perjury that he was complying with the terms and
17 conditions of probation, and failure to comply with the
18 Division's surveillance program and cooperate therewith.

19 8. Respondent admits that he is presently suf-
20 fering from heart problems sufficiently serious that he
21 cannot engage in the practice of medicine with safety to him-
22 self or others.

23 9 The following order of discipline should be
24 imposed:

25 Certificate No.A-10898, issued to Respondent Milton
26 E. Denmark is revoked; however, revocation is stayed, and
27 Respondent shall be placed on probation for ten (10) years

1 on the following terms and conditions:

2 A. Respondent shall not practice medicine until
3 he has taken a medical examination and a psychiatric exami-
4 nation with the reports of such examinations demonstrating
5 to the satisfaction of the Division that Respondent is fit
6 to resume the practice of medicine. Thereafter, the
7 Respondent shall incur a six-month suspension during which
8 time he shall exercise none of the rights, privileges or
9 duties of a physician. Upon the resumption of practice, the
10 Division may impose further terms and conditions as are
11 reasonable and necessary.

12 B. In the event Respondent should leave
13 California to reside or to practice medicine outside the
14 State, Respondent must notify in writing the Division of the
15 dates of departure and return. Periods of residency or
16 practice outside California will not apply to the reduction
17 of this probationary period.

18 C. In the event Respondent should practice medi-
19 cine inside the State, Respondent must notify in writing the
20 Division of the dates of resumption of practice, place of
21 practice, and description of practice. Periods of resi-
22 dency inside California during the time Respondent may not
23 practice medicine will not apply to the reduction of this
24 probationary period.

25 10. IT IS AGREED THAT the terms set forth herein
26 shall be null and void and not binding upon the parties
27 hereto unless approved by the Division of Medical Quality of

1 the Board of Medical Quality Assurance of the State of
2 California.

3
4 DATED:

10/1/83

Milton E. Denmark MD
MILTON E. DENMARK, M.D.
Respondent

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7 DATED:

10/12/82

James E. Every for
W. ROBERT MORGAN, ESQ.
Attorney for Respondent

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10 DATED:

August 9, 1983

Daniel J. Weston
Deputy Attorney General
Attorney for Complainant

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14
15 ORDER

16 The foregoing Stipulation is hereby accepted by the
17 Division of Medical Quality.

18 This Order shall be effective on the 19th day of
19 December, 1983.

20 IT IS SO ORDERED this 13th day of December,
21 1983.

22 DIVISION OF MEDICAL QUALITY
23 BOARD OF MEDICAL QUALITY ASSURANCE
24 STATE OF CALIFORNIA

25 By [Signature]
26
27

REDACTED

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of the State of California

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5 Attorneys for Complainant.

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8 BEFORE THE
9 DIVISION OF MEDICAL QUALITY
10 BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation)
Against:)

No. D-2902

13 MILTON E. DENMARK, M. D.)
14 990 E. Santa Clara)
San Jose, California)

PETITION TO REVOKE PROBATION

15 Certificate No. A-10898,)
16)

17 Respondent.)
18

19 COMES NOW THE COMPLAINANT, ROBERT ROWLAND, and as
20 causes for disciplinary action against the above-named Respondent
21 alleges as follows:

22 I

23 (COMPLAINANT'S OFFICIAL STATUS)

24 Complainant Robert Rowland is the Executive Director
25 of the Board of Medical Quality Assurance of the State of
26 California (hereinafter referred to as the "Board") and makes
27 this petition solely in such official capacity.

II

(OFFICIAL LICENSE STATUS)

Respondent Milton E. Denmark, M. D., on or about May 9, 1945, was issued Physician's and Surgeon's Certificate No. A-10898 by the Board to practice medicine and surgery in the State of California. Said certificate is in a DELINQUENT/PROBATIONARY status at the present time.

Respondent's official address of record is as is set forth in the caption. Respondent's residence is 25386 Lane Street, Loma Linda, California 92354.

Disciplinary action (more specifically described hereinafter) has been had regarding respondent as follows:

12/14/73	Accusation filed
3/12/75	Decision Effective: Revoked
2/21/78	Petition for Restoration of Revoked Certificate filed
5/10/78	Petition Denied
4/18/80	Petition for Restoration of Revoked Certificate filed
8/8/80	Decision Effective: Petition granted, license restored; 10 years Probation with terms and conditions.

III

(PRIOR REVOCATION)

On February 10, 1975, the Board issued its Order and Decision, effective March 12, 1975, revoking respondent's license. The Decision's findings of fact included the following:

"The evidence established that Respondent administered pelvic examinations to the following patients on the

described dates:

Margaret S. June 7, 1971

Patricia K. July 8, 1971

In administering pelvic examinations to the above-described patients, Respondent with his hand did in fact sexually stimulate said patients' genitalia.

"On May 7, 1972, Mrs. Sheila S. took her seven year old daughter to Respondent for purposes of having a gynecologic examination. Respondent, while examining the daughter in Mrs. S. presence, engaged Mrs. S. in a conversation asking, inter alia, the following questions:

"(a) Are you hotblooded?

"(b) Do you climax easily?

"(c) How long has your husband been gone from home?

"(d) Were you getting any sex?

"(e) Do you enjoy sex?

Respondent, during the aforementioned conversation, also stated to Mrs. S. that he would show her how to climax faster."

"Beginning in May, 1974, Elaine C. was a patient of Respondent's. During the course of three ensuing patient visits, Respondent did engage in the following conduct with Elaine C.

"(a) Undid the snap to her bra;

- 1 "(b) Massaged her nipples for purposes of
2 sexual stimulation;
3 "(c) Massaged her clitoris for purposes of
4 sexual stimulation;
5 "(d) Rubbed his pelvic area against her,
6 removed her panty-hose over her hips and
7 told her he would make her climax;
8 "(e) Unzipped her dress and proceeded to undress
9 her.

10
11 "The following additional facts were established:

12 "1. The evidence established that during none
13 of the aforementioned incidents involving patients S█████,
14 K█████ and C█████, and Mrs. S█████, was a nurse or medical
15 assistant or other third party present. The evidence fur-
16 ther established that Respondent initiated conversation
17 with said individuals concerning intimate sexual matters.

18 "2. With respect to Elaine C█████, Respondent's
19 conduct during one pelvic examination brought said patient
20 to a climax.

21 "3. The evidence failed to establish any plan,
22 scheme or conspiracy on the part of said S█████, K█████,
23 C█████, S█████ or other party to either blackmail or
24 extort money from Respondent as a result of the aforementioned
25 incidents."

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IV

(REINSTATEMENT AND CONDITIONS)

On June 30, 1980, the Board issued its Order and Decision effective August 8, 1980, reinstating respondent's license, subject to various terms and conditions which included the following:

"1. Within 60 days of the effective date of this decision, Petitioner must embark upon and maintain a course of psychiatric treatment approved by the Division and administered by a psychiatrist with prior approval of the Division.

"Petitioner shall maintain said psychiatric treatment until the Division is satisfied that the treatment may be terminated. To make this determination, the Division may require periodic administrative psychiatric evaluations by a psychiatrist designated by the Division, and may require Petitioner to cause the submission of progress reports from the treating psychiatrist.

"4. Petitioner shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation.

"5. Petitioner shall comply with the Division's probation surveillance program."

V

(VIOLATIONS OF PROBATION)

Respondent violated term of probation #1 as aforesaid in that he failed to maintain a course of psychiatric treatment.

Respondent violated term of probation #1 as aforesaid in that he failed to cause the submission of progress reports from the treating psychiatrist as required and requested.

Respondent violated term of probation #4 in that he stated under penalty of perjury in his quarterly declarations that he was complying with all the terms of probation when, in fact, such declarations were false in that he was not complying with term #1 as more particularly alleged hereinabove.

Respondent violated term of probation #5 that he comply with the Division's probation surveillance program and cooperate therewith, in that when surveillance revealed the violations as herein alleged and respondent was warned and admonished again to comply, he continued his defalcations---wilfully, deliberately, and contumaciously.

WHEREFORE, complainant prays that the Division of Medical Quality of the Board of Medical Quality Assurance hold a hearing on the matters alleged herein, and following said hearing, issue a decision:

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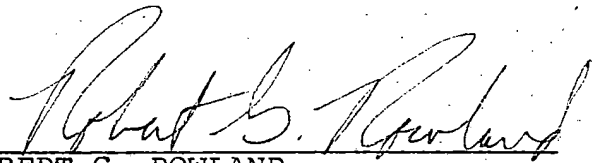
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1 1. Revoking the certificate of licensure heretofore
2 issued to respondent.

3 DATED: May 24, 1982.

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6 ROBERT G. ROWLAND
7 Executive Director
8 Board of Medical Quality Assurance
9 State of California

10 Complainant.
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